

**MINUTES**

**Members Present: Stephanie O’Keeffe, Aaron Hayden and Alisa Brewer**

**Absent:** Jim Wald and Diana Stein

**Town Manager** John P. Musante

**Others:** Catherine Eagan representing Judie’s; Jason DiCaprio representing High Horse Brewery and Bistro; Jack DesRoches and Frank Kelly of Milestone Ministries; Committee on Homelessness members Hwei-Ling Greeney and Ellie Manire-Gatti; resident Larry Kelley, and Jerry Gates from the First Baptist Church.

Meeting called to order by Ms. O’Keeffe at 6:33 p.m.

Ms. O’Keeffe announced that two agenda items would be rescheduled for August 8, 2011, the public hearing for the Amherst Cinema Annual Wine and Malt Liquor License and review of the Right to Farm flier.

Bangs Center Ribbon Cutting Ceremony Wednesday, July 20, 2011 at 3 p.m.

Town Hall and Jones Library to close at noon on Friday, July 22<sup>nd</sup> for Annual Employee picnic. Senior Center and North Amherst Library to remain open regular hours.

**Pledge of License/Stock – Mangeons Bien Inc., d/b/a Judie’s**

Public hearing opened at 6:45 p.m. No one from the public offered comment. Public hearing closed at 6:48 p.m.

VOTED 3-0, with 2 absent (Wald, Stein) to approve the Pledge of License/Stock from Mangeons Bien Inc. as collateral security for the payment and performance of a promissory note in the amount of \$800,000 to Greenfield Savings Bank, a Massachusetts banking corporation having its principal address at 400 Main Street, Greenfield, Massachusetts.

**New Liquor License – High Horse LLC d/b/a High Horse Brewery and Bistro**

Public hearing opened at 6:50 p.m. No one from the public offered comment. Public hearing closed at 6:56 p.m.

VOTED 3-0, with 2 absent (Wald, Stein) to approve the application for an Annual All Alcoholic Retail Restaurant On Premise Liquor License to High Horse LLC d/b/a High Horse Brewery and Bistro at 24 North Pleasant Street, Amherst, Jason DiCaprio, Manager, pending special permit approval by the Zoning Board of Appeals.

**Common Victualler**

VOTED 3-0, with 2 absent (Wald, Stein) to approve a Common Victualler license for High Horse LLC d/b/a High Horse Brewery and Bistro at 24 North Pleasant Street, Amherst, to be open from 11:00 a.m. to 1:00 a.m. the following day, Monday through Sunday, Manager Jason DiCaprio, pending special permit approval by the Zoning Board of Appeals.

**Town Manager Report**

Musante expressed appreciation to Finance Director Sandy Pooler for serving as Acting Town Manager in his absence.

Under employment news, Musante reported the hiring of Alan Snow as DPW Division Director of Parks and Grounds, noting Mr. Alan joins an excellent DPW team. Mr. Snow priorities include plans to further steps towards the “greening” of Amherst and reverse the long tree loss trend with new tree improvement plan. Appreciation of

the work of Dave Orrel was highlighted, retiring after forty-two years of service to the Town. Mr. Orrel will continue to assist the department on a part-time basis.

An update on recent train derailments was provided, noting the Federal Railroad Administration and New England Central Railroad were continuing their investigations, believing the track bed condition caused problems as a result of a high water table and the tough winter/spring weather. The full length of track in Amherst has been evaluated with many new ties and anchors installed; if judged successful, speed will be increased for a test period of two weeks, leading to resumption of full speeds. Mr. Kelley asked about the presence of white powder on tracks and glitch in crossing signals. Mr. Musante indicated he was not aware of either, but would be happy to check and report at a later date.

Mr. Musante provided notice of CDBG mini-entitlement award for next fiscal year in the amount of \$1million dollars for services and capital, as presented to Select Board last November. CDBG Advisory Committee and Planning Board are holding public hearings on August 3, 2011 beginning at 7:30 p.m. in the Town Room, developing strategy to begin next year's process; all Committee Chairs have been notified, requested to provide strategy or funding needs. The current community development strategy is available online.

Mr. Musante reported the Town has provided a response through Counsel to the suit filed in regard to the Solar project; the response requests the Court dismiss, believing the neighbors do not have a legal standing. Town has no interest in recreational reuse of the landfill and DEP has given no indication that they are interested in permitting recreational re-use, a re-use concept popular in the 1980's, as the thinking has changed dramatically in this region since then.

An update on the town-wide road paving project was provided, noting top coat plans had been scheduled town-wide for maximum efficiency, making it appear as though some roads had been left in the middle of reconstruction.

Two PARC grant applications were filed on behalf of the Town for Puffers Pond design work and War Memorial Pool repair, which will require a local contribution to be sought at Fall Town Meeting; a future application will be submitted to implement the design plans at Puffers. No report on utilization of pool at ARMS under new summer program.

A draft regional dispatch memorandum of understanding is being drawn up for consideration by the participating Towns of Amherst, Pelham, Belchertown and Hadley. A meeting is anticipated with one or more Hadley representatives to answer their technical questions regarding formal regionalization plans.

### **Annual Approval of Police Officers as Agents of the Select Board**

VOTED 3-0, with 2 absent (Wald, Stein) to appoint the police officers presented by Chief Livingstone in a memorandum dated June 22, 2011 and approved by the Town Manager June 27, 2011, as agents of the Select Board effective July 1, 2011 for a term to expire June 30, 2012.

### **Special Liquor Licenses**

VOTED 3-0, with 2 absent (Wald, Stein) to approve issuance of nine (9) Special Wine and Malt Licenses to Meredith Schmidt on behalf of UMass Amherst for Concessions sales at the Renaissance Center at UMass Amherst on July 6, July 7, July 8, July 9, July 10, July 13, July 14, July 15, and July 16, 2011 from 6:00 – 10:00 p.m.

VOTED 3-0, with 2 absent (Wald, Stein) to approve issuance of a Special All Alcoholic License to Greg Wardlaw and Danielle Laferrier on behalf of the Trustees of Amherst College, Amherst College Catering for a cash bar at KO Fest to be held at Holder Theater on July 24, 2011 from 7 p.m. to 11 p.m.

### **Challenges to Census 2010**

VOTED 3-0, with 2 absent (Wald, Stein) to designate Town Clerk Sandra J. Burgess to submit challenges to the Count Question Resolution program, and further to certify that the living quarters included with the

Challenge to Census Tract 8204.00 Block 1026, 1028 and 2011 existed and could be lived in on April 1, 2010.

It was reported the Town has received notice that the State's Local Election District Review Commission (LEDRC) unanimously approved the redistricting plan created by our Districting Advisory Board this spring. The Town was also advised to start the process of challenging our problematic census block designations with the Federal Census Bureau.

The Board signed the draft letters of thanks for legislators Senator Stanley Rosenberg and Representative Ellen Story. Members were encouraged to keep a log of issues or specifics they might want to include next year.

Members agreed to arrive thirty minutes prior to the July 25, 2011 meeting to record brief statements in support of the Western Mass Saves/Smart Energy Program; Ms. O'Keeffe to send further information and a reminder.

Members suggested Pioneer Valley Planning Commission (PVPC) come in to present a brief overview of the Valley Visions Update, so that the Board can offer formal support.

Members agreed to schedule the "complete streets" policy consideration soon, in order to move the process along and closer to completion. The status and sequencing of the draft policy with other relevant committees will inform the scheduling and the process.

Board requested information in regard to alcohol licensing, relative to a licensee pledging the license against a bank loan. Members want to know if the loan was defaulted on, what happens to the license.

Board reviewed quota report and noted the VFW was not listed among Veteran's Club licensees.

Board agreed to preliminary discussion at the next meeting on addressing spectrum of housing needs through a committee structure.

### **Member Reports**

**Recycling and Refuse Management Committee:** Aaron reported that they are considering a "zero waste" policy for the Town and are looking to model it after similar policies in California.

**Kanegasaki Sister City Committee:** Kanegasaki Sister City Fundraiser to be held Tuesday, July 19, 2011 beginning at 5:30 p.m. at Bertucci's.

**CDBG Advisory Committee:** \$70,000 - 80,000 of the current year's capital money needs to be reprogrammed as a result of costs coming in under budget; Alisa noted that funds to make Crocker Farm playground ADA-compliant may be among the requests considered for a portion of this savings.

**Shelter Reports:** Mr. Musante announced that Milestone Ministries had opted not to pursue the shelter contract this year. Jack DesRoches summarized and expanded on the written report in the Select Board packets, outlining the many successes and challenges of this past shelter season, including dealing with the Committee on Homelessness and other advocates for the homeless, administratively and programmatically. DesRoches described the situation as feeling like "layers of oversight," which often put Milestone staff in a defensive position. These challenges, and their resulting impact on the full cost of service delivery, which was already beyond the amount of the Town's contract, were among the reasons for their decision not to seek the shelter contract again this year. DesRoches praised the Committee on Homelessness for the work they did to get the shelter established and suggested that that work is now done and they should look to the future. DesRoches commended Dave Ziomek, the Town Manager, and all the folks at First Baptist Church, and said Milestone is committed to assisting Amherst in the transition to a new operator, including offer of a handbook on how the program was run, and to continuing to help serve our local homeless population. Shelter policy questions that came before the Select Board last year -- mixed gender and behavior-based -- were deemed to have been successful and without incident. Milestone's responses to the recommendations made in the Committee on Homelessness report were

distributed. Hwei-Ling Greeney, COH Chair, reviewed that committee's report, which was a status report on all the committee's work, not limited to the Shelter season assessment. She said there had been communication issues between the Committee and Milestone, where the Committee's questions and requests for information were sometimes not answered promptly or at all. As the committee had not seen the responses to its recommendations previously, they were not prepared to offer comment to those. Ms. Greeney reported that the Committee considered the shelter season to be a success, and their recommendations were ways in which to improve it for the future. Ms. O'Keeffe indicated the information presented demonstrated the need for the Select Board to determine and clarify its expectations of the Committee in general and as related to the shelter. Jerry Gates of First Baptist Church talked about looking ahead to permanent housing solutions, and plans for a program called Craig's Doors. The conversation about how the Town uses its committee structure to best address the spectrum of housing needs will begin next week, as previously scheduled. Among the issues to be discussed will be handling appointments and reappointments to the committees during the time they are under consideration for restructuring.

### **Chair's Report**

Ms. O'Keeffe reported that the Town Manager Evaluation process is proceeding according to schedule, per the approved timeline. Discussion of goal setting for FY13 is to resume at the next Board meeting.

### **ADJOURN**

The meeting adjourned at 10:15 p.m.

Minutes Prepared by John P. Musante and Debra A. Roussel

### **List of Documents Presented at the Meeting**

2011-07-18 Agenda  
2011-07-18 Draft Motions  
Liquor License Quota Report - revised 7 12 11  
Pledge of License/Stock Judies  
NEW LICENSE - HIGH HORSE, LLC\_Redacted  
AMHERST CINEMA ARTS CENTER – ANNUAL Redacted  
Shelter 2010-2011--- Milestone Report  
Shelter 2010-2011 --- COH Report  
Milestone Ministries comments on COH recommendations  
Contract with Milestone Ministries  
Draft Letter of Thanks Senator Rosenberg  
Draft Letter of Thanks Representative Story  
Chief Livingstone Request to Appoint Police Officers as Agents  
Special One Day License - UMass Amherst  
Special One Day License - Amherst College  
Certification for Census Challenge Block 1026  
Certification for Census Challenge Block 1028  
Certification for Census Challenge Block 2011  
Certification for Census Challenge Designation